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K&L Gates LLP P.O. BOX 1135 CHICAGO, IL 60690			LEE, ANDREW CHUNG CHEUNG	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,347

**Applicant(s)**

ROESER, WIELAND

**Examiner**

Andrew C. Lee

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-8 and 10-14 is/are pending in the application.  
4a) Of the above claim(s) 2 and 9 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3-8, 10-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/26/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action in response to the Application no. 10594347 filed on 9/26/2006 is entered.

Claims 2, 9 have been canceled.

Claims 1, 3 – 8, 10 – 14 are hence entered and presented for examination.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 9/26/2006 was filed, and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

4. The drawings are objected to because Fig. 4 is not clear for the reference characters to describe or identify which is which element. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Regarding Fig.2, Fig. 3, the reference elements "PBX", ISDN+PRA, Control Protocol are not described or mentioned in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. Claims 1, 3, 6, 8, 10, 13 are objected to because of the following informalities:

The acronyms should be spelled out in full text at least once — NGN, ISDN, OAM, ATM, ISDN-SSist, SIP. For instance, Next Generation Network (NGN). Appropriate correction is required.

Regarding claims 3, 5, 6, 8, 10, applicant discloses the claimed subject matter “the time-multiplex-oriented communication network (ISDN)” in claim 3; the claimed subject matter “the packet-oriented communication network (NGN)” in claim 5; the claimed subject matter “the time-multiplex-orient partial network (ISDN)” in claim 6 ; and the claimed subject matters “one time-multiplex-oriented partial network (ISDN)”, and “one packet-orient partial network (NGN)” in claims 8 and 10. Is “the time-multiplex-oriented communication network (ISDN)” in claim 3, and the time-multiplex-orient partial network (ISDN) in claims 6, 8 and 10 referring to the same entity or different entity? Same discrepancies as indicated in claims 5, and 8 and 10. Clarification and correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1** provides for the use of providing an operation and maintenance function, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

**Claim 1** is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

**Claim 10** provides for the use of providing a functionality of an exchange termination unit and line termination unit, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

**Claim 10** is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under

35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

8. Claims 7, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 7 and 14, it is not clear which version or edition of the standard refers to. Clarification and correction is required.

Claim 1 recites the limitation "the subscriber side" in lines 3 – 4; "the transport side" in line 5; "the functionality of the exchange termination unit (ET) and of the line termination unit (LT)" in lines 8 – 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the time-multiplex-oriented communication network" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the packet-oriented communication network (NGN)" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the time-multiplex-oriented partial network (ISDN)" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the function s (OAM)" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 4, 3, 11, 5, 12, 6, 13, 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 6832254 B1) in view of Gettala et al. (US 20040042485 A1).

**Regarding claims 1, 4,** Scoggins et al. disclose a method for providing the functionality of an operating and maintenance function in a communication network (NW) that comprises on the subscriber side an ISDN (*elements 304 305 and 303, 308; fig. 1, Fig. 4*) and on the transport side at least one packet-oriented network (NGN (*elements 306, 311, 307, Fig. 1, Fig. 4*), with a gateway (AGW) and a media gateway controller (GWC) being arranged at the transport-side end of the time multiplex oriented partial network (ISDN) (*"time division multiplexed (TDM)", "element 411 packet network", media gateway and media gateway controller; Fig. 4, col. 6, lines 20 – 47*), ISDN network with the functionality implemented in the gateway (AGW) and/or in the media gateway controller (GWC) (*Fig. 4, col. 6, lines 20 – 47*).

Scoggins et al. do not disclose explicitly the functionality with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) implemented in the gateway (AGW) and/or in the media gateway controller (GWC).



Gettala et al. in the same field of endeavor teach the functionality with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) implemented in the gateway (AGW) and/or in the media gateway controller (GWC) (*Fig. 1, para. [0017]-[0018]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Scoggins et al. to include the features of the functionality with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) implemented in the gateway (AGW) and/or in the media gateway controller (GWC) as taught by Gettala et al. One of ordinary skill in the art would be motivated to do so for providing a protocol for managing redundant signaling links to form a reliable signaling connection (*as suggested by Gettala et al., see para. [0013]*).

**Regarding claims 3, 11,** Scoggins et al. disclose the method claimed wherein functions (OAM) for at least one of operation, administration and maintenance in the time-multiplex-oriented communication network (ISDN) are realized in the exchange termination unit (ET) and line termination unit (LT) for transmission of information within the time-multiplex-oriented communication network (ISDN) (*Fig. 11, Fig. 12, col. 12, lines 49 – 67, col. 13, lines 1 – 3 interpreted as operation, administration and maintenance* ).

**Regarding claim 5, 12,** Scoggins et al. disclose the method claimed wherein the packet-oriented communication network (NGN) is realized according to at least one of the Internet protocol (IP), SIP and ATM ("*IP and ATM termination*"; col. 7, lines 50 – 60).

**Regarding claims 6, 13,** Scoggins et al. disclose the method claimed wherein the time-multiplex-oriented partial network (ISDN) is one of an ISDN network and a number of ISDN-SSist ("*ISDN user part + messages.....*"; col. 8, lines 35 - 50, Fig. 10, col. 12, lines 21 – 48).

**Regarding claim 8,** Scoggins et al. disclose a communication network (NW) for exchange of information that transmits the information on the a subscriber side via at least one time-multiplex-Oriented partial network (ISDN) (*elements 304 305 and 303, 308; fig. 1, Fig. 4*) and on the-a transport side via at least one packet-oriented partial network (NGN) (*elements 306, 311, 307, Fig. 1, Fig. 4*), with a gateway (AGW) and a media gateway controller (GWC) being arranged at the transport-side end of the time-multiplex-oriented partial network (ISDN) ("*time division multiplexed (TDM)*", "*element 411 packet network*", *media gateway and media gateway controller; Fig. 4, col. 6, lines 20 – 47*), except with the functionality of an exchange termination unit (ET) and of a line termination unit (LT) being implemented in .at least one of the gateway (AGW) and the media gateway controller (GWC).

Scoggins et al. do not disclose explicitly with the functionality of an exchange termination unit (ET) and of a line termination unit (LT) being implemented in .at least one of the gateway (AGW) and the media gateway controller (GWC).

Gettala et al. in the same field of endeavor teach with the functionality of an exchange termination unit (ET) and of a line termination unit (LT) being implemented in .at least one of the gateway (AGW) and the media gateway controller (GWC) (*Fig. 1, para. [0017]-[0018]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Scoggins et al. to include the features of with the functionality of an exchange termination unit (ET) and of a line termination unit (LT) being implemented in .at least one of the gateway (AGW) and the media gateway controller (GWC) as taught by Gettala et al. One of ordinary skill in the art would be motivated to do so for providing a protocol for managing redundant signaling links to form a reliable signaling connection (*as suggested by Gettala et al., see para. [0013]*).

**Regarding claim 10**, Scoggins et al. disclose a method for providing in a communication network (NW) that on a subscriber side has at least one time-multiplex-oriented partial network (ISDN) (*elements 304 305 and 303, 308; fig. 1, Fig. 4*) and on a transport side at least one packet-oriented partial network (NGN) (*elements 306, 311, 307, Fig. 1, Fig. 4*), with a gateway (AGW) and an SIP server being arranged at the transport-side end of the time-multiplex-oriented partial network (ISDN) ("*time division*

*multiplexed (TDM)", "element 411 packet network", media gateway and media gateway controller that is interpreted as SIP server; Fig. 4, col. 6, lines 20 – 47, "If SIP= is used"; col. 8, lines 35 – 50), except a functionality of an exchange termination unit (ET) and a line termination unit (LT) in a communication network, with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) being implemented in at least one of the gateway (AGW) and the SIP server.*

Scoggins et al. do not disclose explicitly a functionality of an exchange termination unit (ET) and a line termination unit (LT) in a communication network, with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) being implemented in at least one of the gateway (AGW) and the SIP server.

Gettala et al. in the same field of endeavor teach a functionality of an exchange termination unit (ET) and a line termination unit (LT) in a communication network, with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) being implemented in at least one of the gateway (AGW) and the SIP server (*Fig. 1, para. [0017]-[0018]*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Scoggins et al. to include the features of a functionality of an exchange termination unit (ET) and a line termination unit (LT) in a communication network, with the functionality of the exchange termination unit (ET) and of the line termination unit (LT) being implemented in at least one of the gateway (AGW) and the SIP server as taught by Gettala et al. One of ordinary skill in the art would be motivated to do so for providing a protocol for managing redundant signaling

links to form a reliable signaling connection (*as suggested by Gettala et al., see para. [0013]*).

11. Claims 7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 6832254 B1), Gettala et al. (US 20040042485 A1) as applied to claims 1, 3, 10, 11 above, and further in view of Vitaloni (US 6337847 B1).

**Regarding claims 7, 14,** Scoggins et al. disclose the method claimed wherein the functions (OAM) for operation, administration and maintenance are essentially performed (*Fig. 11, Fig. 12, col. 12, lines 49 – 67, col. 13, lines 1 – 3 interpreted as operation, administration and maintenance* ).

Scoggins et al. and Gettala et al. do not disclose according to at least one of standard ETSI ETS 300 011 and standard ITU-T G.962 and standard ETSI ETS 300 233.

Vitaloni in the same field of endeavor teaches according to at least one of standard ETSI ETS 300 011 and standard ITU-T G.962 and standard ETSI ETS 300 233 (*"ETSI ETS 300 233"; col. 1, lines 37 – 44*).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Scoggins et al. and Gettala et al. to include the features of according to at least one of standard ETSI ETS 300 011 and standard ITU-T G.962 and standard ETSI ETS 300 233 as taught by Vitaloni. One of ordinary skill in the art would be motivated to do so for providing a method and an architectural model intended to handle a pool of hardware resources (*as suggested by Vitaloni, see col. 2, lines 30 – 32*).

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Yokomoto et al. (US 20020067529 A1).
- b) Bugenhagen et al. (US 2008002670).
- c) Weiss (US 6526067 B1).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/  
Examiner, Art Unit 2419  
<3/13/2009::2Qy09>

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